761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: April 24, 2012
FILE NO:

OFFICE CORRESPONDENCE

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION III

TO: CHUCK ANTUNA, CAPTAIN
INMATE RECEPTION CENTER

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	FO2295553
Incident:	Use of Force
Incident Date:	August 24, 2011
Unit:	Inmate Reception Center / Custody Division
Suspect:	Edgar Villacorte M/20
Involved Employees:	Deputy [redacted] #[redacted] Deputy Mark Arana #[redacted] Deputy [redacted] #[redacted] Deputy Chad Wagner #[redacted]
EFRC Date:	April 12, 2012

The Executive Force Review Committee consisting of Commander Michael Rothans, Commander Anthony La Berge, and Commander David Fender met and reviewed the above case.

FINDINGS:

The Committee determined the force used by the deputies was objectively reasonable and in compliance with Department Policy. The Committee also determined their tactics were acceptable.

RECOMMENDATIONS:

The Committee recommended the deputies attend one of the Decision Making and Self Management or Communication training classes provided by the Education Based Discipline Unit. The unit commander, Captain Chuck Antuna, may use his discretion as to which training class the deputies shall attend from the list provided in this memo.

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Deputy [redacted]
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Mr. [redacted] - IAB interview
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Copy of in-service
Consolidated Criminal History Report on Edgar Villacorte
Admonition forms

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 911-00949-5120-145	Date: 8/24/11	Time: 1835 Hrs.	
Location: 450 Bauchet Street		City or Station: Los Angeles	
Bureau/Station/Facility: Inmate Reception Center		Admin. Investigation: YES ☐ NO ☐	
Type of Force: Significant - Fractured jaw			
Deputy Injury : YES ☐ NO ☒	Suspect Injury YES ☒ NO ☐		
☐ Call	☐ Observation	☒ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Ault	Emp: [redacted]	IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	Middle Name [redacted]
Sex: ☒ Male ☐ Female	Race: H	Unit of Assignment: Inmate Reception Center	Work Assignment (Unit #, Module, etc.): Booking Front
Shift: ☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 5' 9" Weight: 215 Lbs.
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☒

E2

Employee # [redacted]	Last Name Arana	First Name Mark	Middle Name P.
Sex: ☒ Male ☐ Female	Race: A	Unit of Assignment: Inmate Reception Center	Work Assignment (Unit #, Module, etc.): Booking Front
Shift: ☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 6' 00" Weight: 220 Lbs.
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☒

E3

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	Middle Name [redacted]
Sex: ☒ Male ☐ Female	Race: W	Unit of Assignment: Inmate Reception Center	Work Assignment (Unit #, Module, etc.): Booking Front
Shift: ☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 5' 8" Weight: 210 Lbs.
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☒

☒ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Sagardia	John	R.	Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
[redacted]	Miller	Jana	T.	B-1	YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Saunders	Gregory	J.

Lieutenant Gregory J. Saunders
Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Patrick Kim
Supervisor Completing Form: (**Print Name**) | [redacted] Emp #: | Copy Provided to Employee by: | Emp #:

Captain Chuck Antuna
Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only
FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
911-00949-5120-145

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	Wagner	Chad	A.

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	W	Inmate Reception Center	Booking Front

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5' 9"	172 Lbs.

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ______		Directed Force ☐ Significant Force ☒

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ______		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ______		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ______		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ______		Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION
911-00949-5120-145

Suspect Information

S 1

Last Name: Villacorte	First Name: Edgar	Middle Name: Steve
AKA Last Name: Villacorta	First Name: Edgar	Middle Name: Steve

Sex: ☒ Male ☐ Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: | Home Phone: | Age: 20 | Height: 5' 6" | D.O.B. 05/14/1991 | Weight: 180 Lbs. | Armed? ☐

Booking #: 2852072 | Primary Charge Code: 487(C) PC | Secondary Charge Code: | Criminal History [redacted]

EMT in attendance? ☐ YES ☒ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: LCMC Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☒ YES ☐ NO Substance: Methamphetamine Mental Illness ☐

Suspect Interview

Date: 08/24/2011 | Time: 1954 Hrs. | ☐ Audiotape: ☒ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: First Name: Middle Name:

AKA Last Name: First Name: Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ Mental Illness: ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: First Name: Middle Name:

AKA Last Name: First Name: Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ Mental Illness ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
9 1 1 - 0 0 9 4 9 - 5 1 2 0 - 1 4 5

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]	Middle Name [redacted]	Age 30	D.O.B. [redacted]
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph. [redacted]	Home Ph. [redacted]
Last Name [redacted]	First Name [redacted]	Middle Name [redacted]	Age 47	D.O.B. [redacted]
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph. [redacted]	Home Ph. [redacted]
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Villacorte	S1	[redacted]	E1	UC	NN	NN
[redacted]	E1	Villacorte	S1	CT	NN	HD
Arana	E2	Villacorte	S1	CT	NN	SH
Villacorte	S1	Arana	E2	PH	NN	NN
Arana	E2	Villacorte	S1	PH	BR	FA
[redacted]	E3	Villacorte	S1	PH	FR	NO
Wagner	E4	Villacorte	S1	PH	FR	FA
Villacorte	S1	Wagner	E4	PH	NN	CH
Wagner	E4	Villacorte	S1	PH	BR	FA
[redacted]	E3	Villacorte	S1	RH	NN	WR
Wagner	E4	Villacorte	S1	RH	NN	WR

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

SIGNIFICANT USE OF FORCE
FORCE RESULTING IN A SKELETAL FRACTURE - JAW & NOSE

UNIT: INMATE RECEPTION CENTER

DATE / TIME OF INCIDENT: AUGUST 24, 2011 (WEDNESDAY) / 1835 HOURS

LOCATION: INMATE RECEPTION CENTER
450 BAUCHET STREET
LOS ANGELES, CA 90012
BOOKING FRONT

URN: 911-00949-5120-145

IAB #: FO2295553

SYNOPSIS

On August 24, 2011, at approximately 1835 hours, Deputies [redacted] and Arana were working Booking Front and were standing inside uncuff cell #1 giving commands in preparation of a search of a line of approximately 120 inmates. After giving several commands, Deputy [redacted] saw that Inmate Villacorte was not following commands, by continuing to talk when everyone was instructed to be silent. After speaking to Inmate Villacorte who was verbally uncooperative, Deputy [redacted] gave him commands to place his hands behind his back. Deputies [redacted] and Arana escorted him to an open space on the wall within the uncuff cell to handcuff him.

As Inmate Villacorte was facing the wall, Deputy [redacted] had a grasp of Inmate Villacorte's hands with one hand as he removed his handcuffs with the other hand. At this time, Inmate Villacorte slipped out of his grasp, turned around and faced him with his back against the wall. Suspect Villacorte turned toward Deputy Arana and raised his fists in a combative manner. Deputy Arana immediately grabbed Inmate Villacorte's wrist. However, Inmate Villacorte was able to pull his hand away. Inmate Villacorte swung his fist toward Deputy Arana's face but did not connect the blow. Deputy Arana punched

Inmate Villacorte once in the face while Deputy [redacted] pushed Inmate Villacorte forward. Deputy [redacted] appplied knee strikes to Inmate Villacorte's thighs and lower torso.

Deputies Wagner and [redacted] responded to assist. Deputy [redacted] punched Inmate Villacorte at least twice in the face and Deputy Wagner applied an elbow strike to his face.

Inmate Villacorte fell to the ground where he struggled with Deputy Wagner. Deputy Wagner punched him several times in the face. During this time, Inmate Villacorte punched Deputy Wagner in the chest. Deputies handcuffed Inmate Villacorte without further incident.

Inmate Villacorte was treated in the IRC clinic and transported to LCMC for a three-inch laceration to his head and facial bruising. On August 25, 2011, Inmate Villacorte was diagnosed and a fractured jaw and fractured nose. On August 26, 2011, IAB was notified to assume the handle of this incident.

On November 10, 2011, IAB investigators located [redacted] who was present in the uncuff cell at the time of the incident and previously interviewed on camera by IRC Sergeant Sagardia. Mr. [redacted] said he witnessed a portion of the incident. He said he was in very close proximity to Inmate Villacorte when he was struck several times in the head by Deputies with a flashlight. He said Inmate Villacorte's blood splattered onto the shirt he was wearing at the time. Mr [redacted] provided IAB investigators the same shirt, which he said he had laundered since then. The shirt was sent to the Crime Lab to be tested for presence of blood the same day. On December 1, 2011, the Crime Lab determined that there was no presence of blood on the shirt that was submitted.

On November 30, 2011, IAB investigators located [redacted], who was present in the uncuff cell at the time of the incident and previously interviewed on camera by IRC Sergeant Sagardia. Mr. [redacted] said he did not witness any application of force by Deputies on Inmate Villacorte.

INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY

Deputy [redacted] #[redacted]

Date of employment	[redacted]
Date assigned to patrol	[redacted]
Completed patrol training	[redacted]
Prior shooting incidents	[redacted]
Prior founded force incidents	[redacted]

Deputy Mark Arana, #[redacted]

Date of employment	04/17/06
Date assigned to patrol	[redacted]
Completed patrol training	[redacted]
Prior shooting incidents	[redacted]
Prior founded force incidents	[redacted]

Deputy [redacted], #[redacted]

Date of employment	[redacted]
Date assigned to patrol	[redacted]
Completed patrol training	[redacted]
Prior shooting incidents	[redacted]
Prior founded force incidents	[redacted]

Deputy Chad Wagner, #[redacted]

Date of employment	01/17/07
Date assigned to patrol	[redacted]
Completed patrol training	[redacted]
Prior shooting incidents	[redacted]
Prior founded force incidents	[redacted]

SUSPECT INFORMATION

Edgar Villacorte
Male, Hispanic, Age: 20, DOB: 05-14-1991, Booking #2852072, 5' 5", 180 lbs

CII #[redacted] MAIN #[redacted] FBI #[redacted]

Suspect Villacorte was arrested by the LAPD on 08/22/2011 for [redacted]. He has no prior convictions.

WITNESSES

[redacted]

INJURIES

Suspect Villacorte sustained a three-inch laceration to his scalp, multiple contusions to his head, a fractured jaw and a fractured nose. Refer to Suspect Villacorte's medical assessment **[EXHIBIT A]** for more detailed information.

No Deputy personnel were injured.

PHYSICAL EVIDENCE

A short-sleeved T-shirt worn by Inmate [redacted] at the time of the incident was collected on November 2, 2011 and received by the Crime Lab on November 17, 2011. On December 1, 2011, a Biological Evidence Examination Report indicated blood was not detected on the shirt **[EXHIBIT B]**.

INVESTIGATOR'S OBSERVATIONS

On February 14, 2012, IAB investigators went to IRC to see the location where the incident occurred. The scene of the incident is located at the Booking Front area of the Inmate Reception Center. Uncuff cell #1 is a room, approximately 8' X 10' partially enclosed on three sides with safety glass. It is adjacent to uncuff cell #2 (also 8' X 10'), which is across the corridor from Isolation cell #104.

WEAPONS USED BY DEPUTY PERSONNEL

Personal weapons.

WEAPONS USED BY SUSPECT

Personal weapons.

PROPERTY DAMAGE

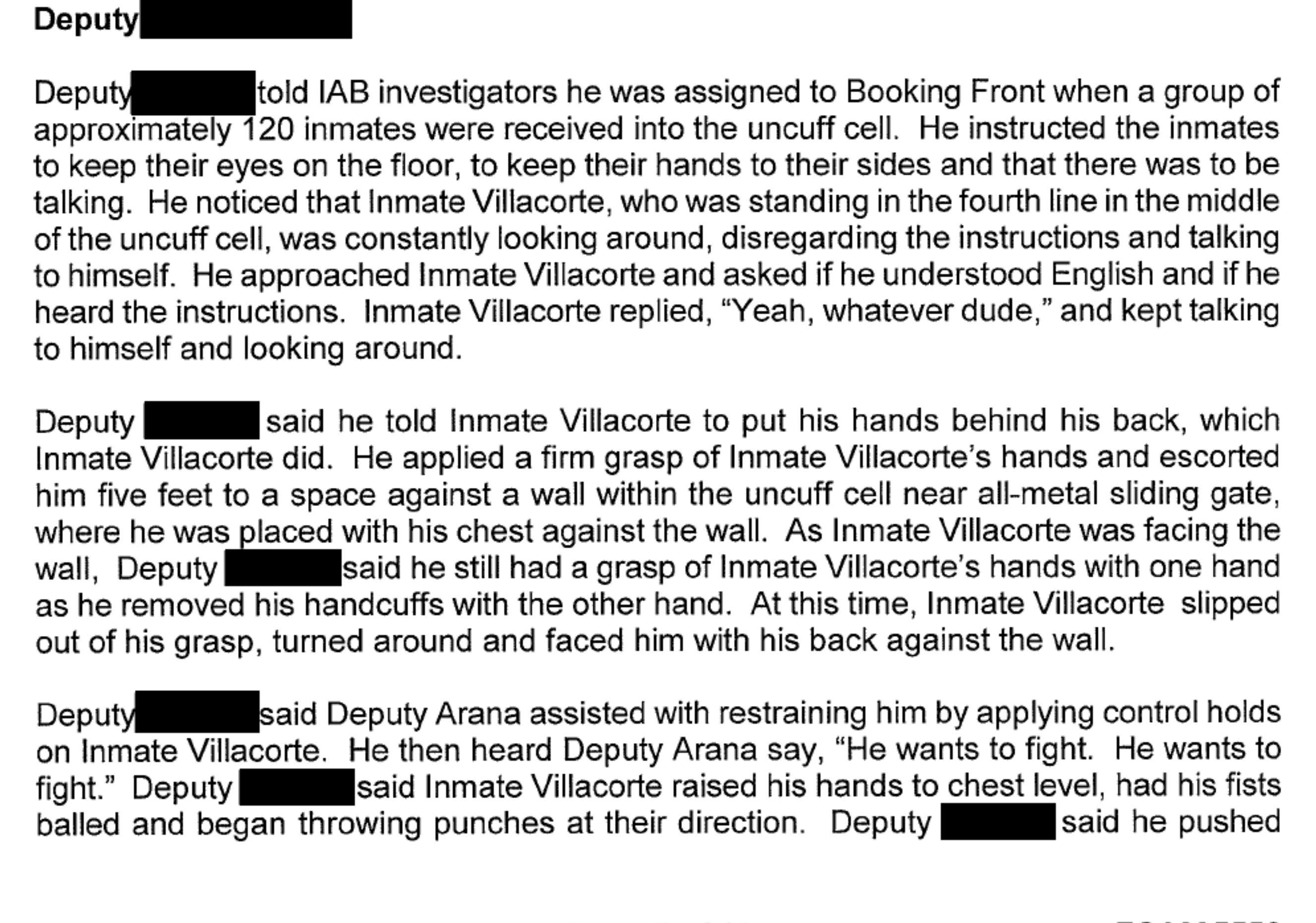
None

CRIMINAL CHARGES FILED

Inmate Villacorte was charged with Battery on a Police Officer, 243(B) PC. On September 15, 2011, the Los Angeles City Attorney declined to prosecute.

INVOLVED DEPUTY AND WITNESS STATEMENTS

The following narratives are intended only as synopses of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions.



Deputy [redacted]

Deputy [redacted] told IAB investigators he was assigned to Booking Front when a group of approximately 120 inmates were received into the uncuff cell. He instructed the inmates to keep their eyes on the floor, to keep their hands to their sides and that there was to be talking. He noticed that Inmate Villacorte, who was standing in the fourth line in the middle of the uncuff cell, was constantly looking around, disregarding the instructions and talking to himself. He approached Inmate Villacorte and asked if he understood English and if he heard the instructions. Inmate Villacorte replied, "Yeah, whatever dude," and kept talking to himself and looking around.

Deputy [redacted] said he told Inmate Villacorte to put his hands behind his back, which Inmate Villacorte did. He applied a firm grasp of Inmate Villacorte's hands and escorted him five feet to a space against a wall within the uncuff cell near all-metal sliding gate, where he was placed with his chest against the wall. As Inmate Villacorte was facing the wall, Deputy [redacted] said he still had a grasp of Inmate Villacorte's hands with one hand as he removed his handcuffs with the other hand. At this time, Inmate Villacorte slipped out of his grasp, turned around and faced him with his back against the wall.

Deputy [redacted] said Deputy Arana assisted with restraining him by applying control holds on Inmate Villacorte. He then heard Deputy Arana say, "He wants to fight. He wants to fight." Deputy [redacted] said Inmate Villacorte raised his hands to chest level, had his fists balled and began throwing punches at their direction. Deputy [redacted] said he pushed

Inmate Villacorte against the wall, but Inmate Villacorte continued to throw punches, one which narrowly came in contact with Deputy Arana's face. Deputy [redacted] said Inmate Villacorte threw approximately eight to ten punches at Deputy personnel. Deputy [redacted] said he then applied three to four knee strikes to Inmate Villacorte's thigh, mid torso/stomach area, while giving repeated verbal commands to stop fighting and to put his hands behind his back.

Deputies [redacted] and Wagner responded from the back of the uncuff cell. Deputy [redacted] applied approximately three punches to Inmate Villacorte's face which appeared ineffective, as Inmate Villacorte continued to punch at them. Deputies Wagner and [redacted] then grabbed Inmate Villacorte and took him down to the floor onto his stomach. Deputy [redacted] said he then turned his attention to the other inmates in the uncuff cell and instructed them to lay faced down on the floor, or to remain seated for those who were already sitting. Deputies Wagner and [redacted] handcuffed Inmate Villacorte behind his back and walked him out of uncuff cell #1 and into the corridor through uncuff cell #2, where he was then placed in an isolation cell without further incident. Deputy [redacted] said during this time, he remained inside the uncuff cell to maintain control of the remaining inmates.

Deputy [redacted] authored a Supplemental Report regarding this incident **[EXHIBIT C]** and submitted it to Sergeant Sagardia.

Deputy Mark Arana

Deputy Arana told IAB investigators uncuff cell #1 was filled with approximately 120 inmates. Inmates lined the perimeter of the room with their left shoulder against the wall, and the remaining inmates were lined up in four columns in the center of the room. Halfway through calling out the instructions, Deputy [redacted] stopped and approached Inmate Villacorte, who was standing in one of the four lines. Deputy Arana said Inmate Villacorte complied with Deputy [redacted] instruction to place his hands behind his back as Deputy [redacted] guided him to the northeast wall within the uncuff cell. Deputy Arana said Inmate Villacorte was compliant when Deputy [redacted] escorted him to the wall. Inmate Villacorte was facing the wall when Deputy [redacted] was about to handcuff him. Inmate Villacorte suddenly turned with his right elbow tucked into his side and his fists close to his chest.

Deputy Arana said Inmate Villacorte started pumping his right arm counterclockwise twice as if he was faking to punch them, at which time he told Deputy [redacted] that Inmate Villacorte was fighting him. Inmate Villacorte pumped his arm counterclockwise a third time and then extended his fist toward his face. Deputy Arana said he tried to grab Inmate

Villacorte's wrist and punched him one time above his right temple. Deputy [redacted] applied a control hold of Inmate Villacorte's right arm, at which time Deputies Wagner and [redacted] came up from behind and took hold of Inmate Villacorte.

Deputy Arana said at this point, he turned around to ensure the remaining inmates were complying with directions given by another Deputy to sit where they were, with their chins touching their chest . He then walked halfway through the one of the search cells with the intention to assist Deputies [redacted] and Wagner by providing them quicker access to an isolation cell by unlocking uncuff cell #2 from the corridor side. Deputy Arana said he then decided to return to the uncuff cell #1 where the other remaining inmates were. Upon his arrival back in uncuff cell #1, someone had unlocked uncuff cell #2, which allowed Deputies Wagner and [redacted] to escort Inmate Villacorte directly from uncuff cell #1 to an isolation cell. Deputy Arana said he remained in uncuff cell #2 and did not accompany Inmate Villacorte to the isolation cell. Deputy Arana said he believes he saw Senior Deputy Miller in uncuff cell #1at the time of the incident.

Deputy Arana authored an Incident Report regarding this incident **[EXHIBIT D]** and submitted it to Sergeant Sagardia.

Deputy [redacted]

Deputy [redacted] told IAB investigators he was inside uncuff cell #1 when Deputy [redacted] was giving out the instructions to the inmates. Deputy [redacted] stopped, at which time he saw Deputies [redacted] and Arana escorting Inmate Villacorte to a wall where he was placed with his chest against it. They attempted to handcuff Inmate Villacorte, who then turned around and took a fighting stance.

*Deputy [redacted] sketched a diagram and indicated his position, and that of Deputies Wagner, [redacted] Arana, as well as Inmate Villacorte's **[EXHIBIT E]**.*

Deputy [redacted] said he was three feet away when he saw Inmate Villacorte begin to swing and punch at Deputies Arana and [redacted]

Deputy [redacted] said he punched Inmate Villacorte two to three times in the head, one or two blows causing Inmate Villacorte's head to impact the metal sliding gate or door. Inmate Villacorte was coming at him again, at which time he punched Inmate Villacorte in the face. Inmate Villacorte moved toward Deputy Wagner as if to assault him while yelling profanities. During this time, Deputy Wagner gave several verbal commands instructing Inmate Villacorte to stop fighting. Deputy Wagner applied an elbow strike to Inmate Villacorte's face and also applied several punches. Inmate Villacorte and Deputy Wagner

fell to the floor, where Inmate Villacorte continued to fight and punch. Deputy Wagner then punched Inmate Villacorte several times.

Deputy [redacted] said Inmate Villacorte eventually gave up, at which time he handcuffed Inmate Villacorte with his hands behind his back. He and Deputy Wagner helped Inmate Villacorte to his feet and escorted him to isolation cell #104 along with Senior Deputy Miller, where he was placed inside without further incident.

Deputy [redacted] authored a Supplemental Report regarding this incident **[EXHIBIT F]** and submitted it to Sergeant Sagardia.

Deputy Chad Wagner

Deputy Wagner told IAB investigators he was at the entrance of uncuff cell #1 when Deputy [redacted] was giving instructions to a group of inmates. Deputy [redacted] stopped talking at one point. He then saw Deputies [redacted] and Arana place Inmate Villacorte against the wall. Inmate Villacorte quickly turned and cursed at them as he then took a fighting stance. Inmate Villacorte began to swing his fists toward Deputies [redacted] and Arana as he was still cursing at them. Deputy Wagner said he then gave Inmate Villacorte several verbal commands to stop fighting and to get on the ground because Inmate Villacorte did not comply.

Deputy Wagner said Deputy [redacted] then punched Inmate Villacorte in the face with his right hand. As Inmate Villacorte was swinging his fists at them, Deputy Wagner said he applied an elbow strike with his right elbow to the right side of his face, which caused Inmate Villacorte to fall to the floor and land on his back. Deputy Wagner said Inmate Villacorte was still actively resisting and swinging his fists, and one point punched him in the center of his chest. Deputy Wagner said he then punched Inmate Villacorte in the face approximately six times in rapid succession while he simultaneously gave him verbal commands to stop fighting and to stop resisting. Deputy Wagner said Inmate Villacorte rolled onto his stomach, at which time he and Deputy [redacted] were able to gain control of his hands and handcuff Inmate Villacorte. Deputy Wagner said he and Deputy [redacted] got Inmate Villacorte up and escorted him through uncuff cell #2 and into isolation cell #104 under the supervision of Senior Deputy Miller without further incident.

Deputy Wagner authored a Supplemental Report regarding this incident **[EXHIBIT G]** and submitted it to Sergeant Sagardia.

Senior Deputy Jana Miller

Senior Deputy Miller told IAB investigators that supervisors usually stand just outside the sliding door of the uncuff cell during the time inmates are received and initially processed into IRC. A photo of the inside of uncuff cell #1 **[EXHIBIT H]** was shown to Senior Deputy Miller. She could not recall if she was standing outside the uncuff cell at the time of the incident with Inmate Villacorte. She said she did not recall specifically where she, possibly near the hub of Booking Front and Main Control, when she saw Deputy [redacted] walking toward her with a streak of blood approximately one inch long and a couple centimeters thick, on the side of his mouth. Deputy [redacted] told her that the blood on his face was not his and that it belonged to the inmate. She instructed him to wash off the blood.

Senior Deputy Miller said Deputies [redacted] and Wagner were seconds behind Deputy [redacted] with Inmate Villacorte, at which time she accompanied them from the area where Booking Front and Main Control are located, to one of the isolation cells. The handcuffs on Inmate Villacorte's wrist were then swapped out with the handcuffs attached to a chain that was connected to the metal bench inside the cell without incident.

Senior Deputy Miller said she did not witness any application of force by Department personnel on Inmate Villacorte, nor did she apply any force on Inmate Villacorte.

Witness [redacted]

On August 24, 2011, Mr. [redacted] told IRC Sergeant Sagardia he was in the uncuff cell with other inmates when a Deputy gave them instructions to keep their left shoulder against the wall, chin and eyes down toward the floor. Mr. [redacted] said he complied with the instructions then and heard a Deputy address the inmate (Inmate Villacorte) directly in front of him by saying, "What are you looking at?" Inmate Villacorte replied to the Deputy by calling him "dude" and "man". The Deputy questioned Inmate Villacorte's response and then tried to handcuff him.

Mr. [redacted] said Inmate Villacorte did not comply with the Deputy and every time he said "dude" or "man", the Deputies punched him. Mr. [redacted] said the Deputies did not give Inmate Villacorte any verbal commands during this time. Inmate Villacorte was then handcuffed and taken away as he was screaming and crying. Mr. [redacted] said the Deputies "kept doing whatever they were doing because he could hear the blow."

On November 2, 2011, Mr. [redacted] told IAB investigators he was in the uncuff cell with approximately 200 other inmates on August 24, 2011 between 1000 and 1600 hours.

There were four Deputies inside the uncuff cell, a short, muscular, White male; a short, muscular, White female with dirty blond hair in her mid to late thirties, approximately 5'4" tall and 180 pounds. Both were standing at the entrance door of the uncuff cell. Mr. [redacted] said the third was a tall, muscular, White male; the fourth was a short White female.

Mr. [redacted] said he was standing near the corner of the room when one Deputy brought Inmate Villacorte behind him. The Deputy asked Inmate Villacorte, "What are you looking at?" Inmate Villacorte replied, "Nothing, man," The same Deputy said, "Man, who are you calling 'man'?" Inmate Villacorte said, "Naw, dude." The Deputy then said, "Who you calling 'dude'?" Mr. [redacted] said he initially saw the Deputy strike Inmate Villacorte 10 times to the back of his head behind his left ear with the butt end of a metal flashlight and heard the remainder 27 blows as he counted them to himself. Mr. [redacted] said Inmate Villacorte's blood got onto his face, arm and clothes. He said he could feel the grazes from the Deputies punching Inmate Villacorte in the face. He said he also felt the grazes from the Deputies' kicks and flashlight strikes coming from behind him and to his left.

Mr. [redacted] said Inmate Villacorte was initially to his left and ended up to his right as Inmate Villacorte's body swung around after being struck. He said at one point Inmate Villacorte was facing the wall when Deputies kept punching him in the back of the head.

Mr. [redacted] said the Deputies then held Inmate Villacorte against the wall and handcuffed him. Inmate Villacorte was still resisting, at which time another Deputy told everyone told the other remaining inmates to close their eyes, and to get down on the floor, faced down.

Mr. [redacted] said the Deputy told Inmate Villacorte, "Oh, you think you're ballsy?" as they dragged him on the floor and stomped on his testicles. He said he heard the kicks and punches and flashlight strikes as Inmate Villacorte was screaming and crying. Mr. [redacted] said he heard Deputies tell Inmate Villacorte repeatedly to stop fighting and to stop resisting. He said he could not see Inmate Villacorte resisting at this point. At one point Inmate Villacorte stopped crying and screaming, which led him to believe Inmate Villacorte was unconscious. Mr. [redacted] said Inmate Villacorte was on the ground as the Deputies kicked him repeatedly in the chest and stomach while telling him to stop resisting.

Mr. [redacted] initally told IAB investigators that Inmate Villacorte was passed out and handcuffed when the White male Deputy and the White female Deputy who were initially standing at the entrance door of the uncuff cell dragged him away. He later said Inmate Villacorte was screaming and crying during this time.

Mr. [redacted] said the Deputies bullied and intimidate anybody that saw anything saying, "You didn't see anything." Mr. [redacted] said he didn't want to be interviewed on video for fear of retaliation by the Deputies.

Mr. [redacted] provided IAB investigators with the shirt he wore at the time of the incident. He told them that he had laundered the shirt and that no blood remained on it. IAB investigators collected the shirt and sent it to the Sheriff's Crime Lab on November 17, 2011 with a request for it to be tested for traces of blood. On December 1, 2011, a Biological Evidence Examination Report indicated blood was not detected on the shirt **[EXHIBIT B]**.

Witness [redacted]

On August 24, 2011, Mr. [redacted] told IRC Sergeant Sagardia he was in the uncuff cell following instructions given by a Deputy when he heard an inmate (Inmate Villacorte) verbally challenging the Deputy's authority. He said heard a Deputy comment that Inmate Villacorte was flexing up as if he was about to assault them. Mr. [redacted] said Inmate Villacorte was approximately six feet away from him during this time.

He heard a Deputy repeatedly tell Inmate Villacorte, "Stop." Mr. [redacted] said he then complied with another Deputy's instructions to get on the floor, which prevented him from seeing or hearing any application of force by the Deputies toward Inmate Villacorte.

On November 30, 2011, Mr. [redacted] told IAB investigators he was in the uncuff cell with approximately 60 other inmates on August 24, 2011. He was complying with the Deputy's verbal instructions to keep his eyes on the floor, to keep his hands in his pockets and not to talk. He was approximately an arm's length away in front of Inmate Villacorte when he heard a Deputy say to Inmate Villacorte, "What are you looking at?" Inmate Villacorte replied back with an attitude and said, "I'm looking at you, man." The Deputy then said, "Do you know, do you know who you're talking to?" Inmate Villacorte said, "Yeah, I'm talking to you."

Shortly after, he heard what he believed to be other Deputies responding. At that point he complied with instructions to get down on the floor as he layed face-down on top of two other inmates with his right arm shielding his head. Mr. [redacted] said he then heard the Deputies repeatedly telling Inmate Villacorte, "Don't resist. Don't fight." He said at this point the altercation was occurring to his right side. Mr. [redacted] said he then heard Inmate Villacorte scream. He said he did not see any application of force by the Deputies, nor did he see Inmate Villacorte assault the Deputies. He specifically said he did not hear any sound where Inmate Villacorte was being struck with a flashlight or a baton. He said

he only heard Inmate Villacorte being taken out of the uncuff cell but did not see it happen.

SUSPECT INTERVIEW

Edgar Villacorte

On August 24, 2011, Inmate Edgar Villacorte told IRC Sergeant Sagardia he heard instructions given by a Deputy to line up and to look down. He said the Deputy then randomly approached him and said, "Oh, you don't want to listen? All right, let's go for a walk." Inmate Villacorte said he followed the Deputy was saying, and the Deputy then said, "You wanna get smart? First time in County jail?"

Inmate Villacorte said when the Deputies tried to handcuff him by the door, he told them, "Damn. Fuck. Hey, calm down." He said he resisted a little, at which time three Deputies punched him a couple times in the face, injuring his eye, jaw and head. He said the Deputies did not instruct him to stop resisting or to stop fighting. Inmate Villacorte said the Deputies then dragged him on the ground and kicked him repeatedly.

On October 21, 2011, Inmate Villacorte told IAB investigators he was under the influence of methamphetamine at the time he arrived at the uncuff cell at IRC. He didn't like the manner in which the Deputy was issuing orders, at which time he took it upon himself to express his opinion. He described one Deputy as an Asian male, another as a Hispanic male, and another as a White or Armenian male.

Inmate Villacorte said the Deputies were harassing him and although he didn't want to comply with their instructions, he did. A Deputy then said, "Oh, well we're gonna take a walk." A Deputy then started to slam his face on the door, at which time Inmate Villacorte said he became "pissed" and turned around and started punching that Deputy. A Deputy then grabbed his hands in a strong grip behind his back and handcuffed him. Other Deputies then "rushed" him and "fucked him up." The Deputies kicked him in the stomach, which caused him to fall down. He said the Deputies then dragged him and kicked him in the back of his head, chest and face repeatedly with their boots. Inmate Villacorte said he told the Deputies to stop and then started to faint at this point. He also said there were no instructions given to him during this time by Deputies.

Inmate Villacorte said he was crying when he was then taken out of the uncuff cell where they turned left and straight ahead to a smaller cell. He said the Deputies continued to kick him as they took him across the hallway and into the small cell. After he was placed in the small cell where he was by himself, he yelled profanities at the Deputies and challenged them to go one on one with him. Inmate Villacorte said he was then repeatedly kicked by

five Deputies, one of which he described as a Chinese male, another as an Armenian/German-looking male, another as a Hispanic male and two others as White males.

Inmate Villacorte estimated he was punched at least 20 times and kicked at least 10 times.